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## DANIEL WEBSTER, LORD ASHBURTON AND OLD OREGON.

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We are not accustomed to think of Daniel Webster as a diplomatist, but as perhaps the greatest orator this country has ever produced; as an eminent lawyer and the defender of the Union and the constitution; as a statesman whose influence was powerful in Europe as well as in America; and yet as Secretary of State in the cabinet of President Tyler he acquired in part his most substantial renown.

"In the two years during which he had been at the head of the cabinet he had done much. His work added to his fame by the ability which it exhibited in a new field, and has stood the test of time. In a period of difficulty and even danger, he proved himself singularly well adapted for the conduct of foreign affairs, a department which is most peculiarly and traditionally the employment and test of a highly trained statesman. It may be fairly said that no one, with the exception of John Quincy Adams, has ever shown higher qualities, or attained greater success in the administration of the State Department than Mr. Webster did while in Mr. Tyler's cabinet."—(Henry Cabot Lodge in *Amer. Statesmen Series*, vol. 21, p. 254.)

"At this time conflicts on the Maine frontier brought the (boundary) subject up in a manner not to be ignored. Popular feeling was at a high pitch. In this condition of affairs Alexander Baring, who had been raised to the peerage as Lord Ashburton, was sent to America on a mission of friendship and peace. He was now to be received by Webster in Washington in the same spirit in which Grenville received Jay in London, when it was mutually understood that they would discuss the matter as friends, \* \* \* and leave their articles as records of agreement, not as compromises of discord."—(Stevens in *Amer. Statesmen Series*, vol. 13, pp. 349-50.)

### That Fish Story.

It ought not to be necessary to even mention that vagary of certain writers of our history (perhaps we ought to say of our fiction) which would lead to the belief that in 1842-43 Mr. Webster was inclined toward trading off the Oregon country for some fishing rights on the coast of Maine or Newfoundland; but even in 1906 this tale appeared again in a book entitled "Across the Plains and Over the Divide," by Randall Hewitt. This story first reached the public ear in the lectures of Rev.

H. H. Spaulding, an early missionary to Oregon, and of rather radical views, in the sixties, and was later used by Mr. W. H. Gray, in his history of Oregon, and in 1895 was heralded by Mr. O. W. Nixon in his "Saved Oregon" book (to say nothing of others meantime). All of these writers failed to substantiate their statements by reference to authorities, but in 1902 the story was given some color by the late Rev. M. Eells, who said:

"There was a fishery question which Mr. Webster had under consideration at that time. In a letter to his daughter, Mrs. Paige, August 23d, 1842, he says: 'The only question of magnitude about which I did not negotiate with Lord Ashburton is the question about the fisheries.'"—(Reply to B., p. 93.)

With the correction that Mrs. Paige was the wife of the brother-in-law of Mr. Webster, residing in Boston and at times in Nahant, we will examine this authority.

Now we know that Mr. Webster was an inveterate fisherman; indeed, he is said to have taught Mr. Grover Cleveland the art. At Marshfield he kept a boatman named Seth Peterson, whom Geo. Tichnor Curtis thus describes (*Life of D. W.*, vol. 2, p. 663): "Seth Peterson, a name familiar to all Mr. Webster's friends who ever visited Marshfield, was a droll, red-faced old salt, whose occupation, when he was not fishing or shooting with Mr. Webster, was what he called 'lobstering.' His usual dress was a flannel shirt, which might once have been red, but which wind, weather and salt water had converted into a nameless color; and pantaloons that had been patched until their original fabric and hue were quite undistinguishable. He was a quick-witted, humorous fellow, smart with his tongue, shrewd and good natured. He was him 'Commodore Peterson.'"

Now, in the negotiation of the Ashburton treaty both Lord Ashburton and Mr. Webster became very much exhausted physically; their conferences and exchange of notes, informal and formal, covered the period from early April until the 9th of August, 1842, and we all know that the National Capital is not a comfortable locality during the summer months. Lord Ashburton was a man beyond his sixty-fifth year of age, and his notes to Mr. Webster toward the close of the negotiation speak pleadingly of the extreme heat and his exhausted condition. The treaty was signed on August 9th, President Tyler's message was prepared by Mr. Webster on the 10th, it was sent to the Senate on the 11th, and after discussion was confirmed on the 20th by the unusually strong vote of 39 to 9. Both the

negotiators at once prepared to leave the city. The quotation already referred to is found in this same "Life of Daniel Webster" by Curtis, vol. 2, p. 140, and given in full, reads as follows:

"He (Mr. Webster) left Washington in the last week of August to make preparations to receive Lord Ashburton at Marshfield, and to enjoy there the repose that he so much needed. Just before his departure he wrote to Mrs. Paige: 'The only question of magnitude about which I did not negotiate with Lord Ashburton is the question respecting the fisheries. That question I propose to take up with Mr. Seth Peterson on Tuesday, the 6th of September next, at six o'clock a. m. In the meantime I may find a leisure hour to drop a line on the same subject at Nahant.'"

Historians find no record of the fisheries as a subject of dispute with England in 1842, but in 1852, ten years later, Mr. Webster, as Secretary of State under President Fillmore, had correspondence upon that subject.

#### **Oregon Not In It.**

Lord Ashburton had come to America empowered to agree to a settlement of the Northwestern as well as the Northeastern boundary. Just what his instructions were we learn from the "Berlin Arbitration," pp. 218-19, which was not printed for the public eye until 1871-72. So earlier biographers of Mr. Webster and critics of the treaty were not as well informed about the real reasons for the omission of the Oregon question from that treaty as writers since that publication have had an opportunity to be. The instructions admitted of no discretion on the part of Lord Ashburton; they permitted him (1) to offer the line of the Columbia River from its mouth to the mouth of the Lewis, or Snake River, and thence due east to the summit of the Rocky Mountains; or, failing to secure that line, (2) to offer the same line proposed by Great Britain in 1824 and 1827, namely, the forty-ninth parallel from the Rocky Mountains to the northeastern branch of the Columbia River and down that river to the mouth; but (3) not to accept the line of the forty-ninth degree to the coast. Mr. Webster feared that any compromise on the Northwestern boundary would endanger a settlement of the then much more important Northeastern boundary, and furthermore, he understood and believed in the previous policy of the United States and stood firm for the forty-ninth parallel to the Coast; and with due regard to the proprieties of the situation, he and Lord Ashburton decided not to include that subject in the formal negotiations at all. These began June 13th, prior interviews and

exchange of notes having been informal. Mr. Webster is reported to have said in later years (Reply, p. 80) that he told Lord Ashburton that "the government of the United States has never offered any line south of forty-nine degrees and it never will." And it may be added that it never did. (The writer has not yet been able to find these words in exactly the connection given by Mr. Eells though they appear in a speech of March 30th, 1846.)

#### **Benton and Webster.**

The leader of the opposition to the treaty was Senator Benton, of Missouri, and his speeches upon the Oregon question in its various phases as it came before Congress in 1842-43 contain much valuable collateral information. He could not see a single line in the treaty that was right and charged that Mr. Webster had yielded everything to Great Britain, as later in the British Parliament Lord Palmerston charged that Lord Ashburton had yielded everything to the United States. It was claimed by Mr. Benton (*Thirty Years' View*, vol. 2, p. 476) that but for his intervention the valley of the Columbia would have been divided in 1842, but this may probably be considered an extravagance of his later years. Mr. Benton was one of the "big" men of that period and (not unlike Mr. Tillman of our own day) was honest, but often violently mistaken, and he took delight in opposing Mr. Webster and in "twisting the tail of the British lion." According to his biographers a certain raciness was common to the latter portion of his public career and must be taken into account in his "*Thirty Years' View*," written during his last years and published in 1857. The fact seems to be that Mr. Benton was irritated at Mr. Webster because he was not consulted at all during the negotiation, as other senators undoubtedly were. In his violent speech in the Senate against ratification in August, 1842, he said:

"I speak in the hearing of those who must know whether I am mistaken. I have reason to believe that the treaty has been privately submitted to Senators—their opinions obtained—the judgment of the body forestalled; and then sent here for the forms of ratification. \* \* \* I interrogate no one. I have no right to interrogate anyone. I do not pretend to say that all were consulted; that would have been unnecessary. I know I was not consulted myself; and I know many others who were not."

In the session of Congress the following winter the Oregon

question was very prominent. Principal Marshall writes (Hist. vs. Saved Oregon Story, 1904, pp. 32-33):

"In December, 1842, Benton returned to the subject, and asserted that Webster had proposed to accept the line of the Columbia instead of standing firmly for forty-nine degrees to the Pacific. To this partisan accusation Webster could not in person reply in the Senate chamber, but, fortunately for the vindication of the truth of history, his life-long friend, Rufus Choate, had succeeded him in the Senate, and twice, on January 18th and February 3d, 1843, \* \* \* Choate, replying to Benton's accusations, said (on January 18th, as summarized by the official reporter in Congressional Globe, 27th Congress, 3d session, pp. 171-72): 'In commenting upon the speech of the Senator from Missouri (Mr. Benton), who had preceded him, he took occasion to remove an erroneous impression, which, he conceived, was calculated to do a great injustice to a distinguished man, Mr. Webster, who could not there defend himself. He alluded to the fears expressed by the Senator from Missouri, that \* \* \* the rumor must be correct which had got abroad, that a proposition had been made or entertained by the Secretary of State to settle down upon the Columbia River as the boundary line. Now he was glad to have it in his power to undeceive the Senator, and to assure him, which he did from authority, for he had been requested by the Secretary himself to do it for him, that he never either made or entertained a proposition to admit of any line South of the forty-ninth parallel of latitude as a negotiable boundary line for the territory of the United States.' On February 3d, 1843, Mr. Choate made another speech, (which was printed verbatim in Cong. Globe App., pp. 222-229), and, returning to the subject of Benton's accusations, he said: 'I desired chiefly to assure the Senator and the Senate that the apprehension intimated by him that a disclosure of these informal communications would disgrace the American Secretary by showing that he had offered a boundary line south of the parallel of forty-nine degrees is totally unfounded. He would be glad to hear me say that I am authorized and desired to declare that in no communication, formal or informal, was such an offer made, and that none such were ever meditated.'"

The dates of these denials through Mr. Choate are important to a proper understanding of Mr. Webster's position.

#### **The Winter of 1843.**

The articles of the Ashburton treaty, after being signed by the officials of each government, were exchanged in London on October 13th, 1842, by Lord Aberdeen and Mr. Everett, then our minister at the Court of St. James. Lord Aberdeen on October 18th instructed Mr. Fox, then the British minister at Washing-

ton, to communicate the desire of Great Britain to open negotiations upon the Oregon question. (It will be noted that Lord Ashburton was still in America.) Mr. Fox made this communication to Mr. Webster on November 15th, and on the 25th Mr. Webster replied that the President already had this under consideration and that a further reply would be sent to Mr. Everett at an early date. That further reply was made on November 28th, and again in other letters during the winter of 1842-43. These communications were really for the purpose of feeling the pulse of the English ministry and were informal, not formal dispatches, and they can be read in the published correspondence of Mr. Webster and need not be reproduced here, but they show clearly that there were frequent interviews between Mr. Everett and Lord Aberdeen (and Lord Ashburton, who had returned to England in December), and to some extent the views of these gentlemen about Oregon. And they reveal the state of mind of Mr. Webster at that time, which was not of disinterest or opposition, but of indecision only as to what he could or should do, and his desire that the Oregon question should not be taken up by itself, but that other unsettled questions should be considered with it, such as navigation and commerce and the colonial trade. His final determination in the matter was that President Tyler should propose another negotiation, to be held in Washington, for in his letter to Mr. Everett on March 20th, 1843, (Nat. Edit., vol. 18, pp. 170-71) he says:

"I have already suggested to you the preference we feel for opening and conducting negotiations here. \* \* \* The British executive is a unity; ours, so far as treaties are concerned, comprehends the Senate as well as the President. It would be disastrous to negotiate a treaty which should fail of confirmation; and, therefore, it would be eminently advantageous to us to have points considered and discussed under such circumstances as should enable us to feel our way and ascertain from time to time what could be done and what could not. I have recommended to the President already to propose to the British government to open a negotiation here upon the Oregon subject, and the subject of some new commercial treaty, or arrangement; and I incline to think that the next opportunity of conveyance may take to you an official or formal offer to that effect. If it is delayed it will only be that we may learn beforehand what is the chance of success of the commercial part of the project."

This was probably Mr. Webster's last official act as to Oregon, for he was then preparing to leave the cabinet and did so on May 8th following. But on July 8th President Tyler was

still waiting, for in a letter on that date to Mr. Webster, he says: "I have nothing from England which gives us the hope that anything will be done by that government on the subject of a commercial treaty. Do you get anything on that subject?"

### **Colonization of Oregon.**

It must not be overlooked that the policy of the United States had been and was in 1842-43 one of quietly colonizing the Oregon country, and that Mr. Webster knew of what had been done in that line by the Van Buren administration. In the winter of 1842 the cabinet of Mr. Tyler (in which Mr. Webster was THE power) selected Dr. Elijah White, a returned missionary from Oregon, and commissioned him as Indian agent (the only official authority they could devise for him under the treaty of joint occupancy) and instructed him to get together as many people as he could and proceed to Oregon overland, and that in pursuance of those instructions, Dr. "White delivered lectures in various places, interviewed pioneers in Missouri and elsewhere, and soon had a company of about 120 men, who started from Independence, Missouri, in May and made a successful journey across the mountains." (Schafer Hist. of Pac. N. W., p. 176.) And in the winter of 1843 Mr. J. M. Shively, one of the organizers of the large emigration of that year, and afterward a settler upon the site of the present City of Astoria, visited Washington from St. Louis and asked the cabinet for a military escort for that emigration. He did not secure the escort, but his request probably resulted in the Fremont expedition of that year. (Letter of Mr. S. at page 351 of Rel. of H. B. Co. to Occupation of Oregon.)

### **In Conclusion.**

President Tyler had a plan of his own known as the tripartite plan or arrangement for joining the acquisition of Oregon with that of California, but this will not concern us in this discussion. Mr. Webster gave it some favorable mention in his letter to Mr. Everett on January 29th, 1843, but added: "These are only thoughts, not yet shaped into opinions." Mr. John Quincy Adams mentions it in his diary on March 25th of the same year, but evidently that was a circumstance of the political situation. Mr. Adams was not upon the most cordial terms with Mr. Webster at that time, but had to be treated with courtesy. This may be more properly considered in another discussion, when it will be proper also to examine the private opinion of



Mr. Webster as to the relative worth of the Oregon country, as shown by his letters and public speeches. That opinion was not a high one, but it did not influence his political judgment or his official acts.

This discussion should indicate to us that unless we consider Mr. Webster as actually mendacious (something quite foreign to his character) we cannot charge him with even having had in mind the bartering off or giving up of very much if any of that part of the Oregon country lying north and west of the Columbia river, and south of the forty-ninth degree of latitude, which would include a very valuable part of the present State of Washington. It has long been settled in history that after the year 1818 Great Britain never seriously claimed title to anything south and east of the Columbia River.

C. T. JOHNSON.